

REMARKS

Claims 3-12, 15-24 and 26-28 are pending in the application. Claims 4- 8, 10, 12, 15-17, 19, 20, 22 and 24 have been amended. Claims 1, 2, 13, 14 and 25 have been canceled without prejudice of disclaimer. Claims 26-28 are newly added. Reconsideration of this application is respectfully requested.

The Office Action has objected to the specification because the reference numeral "34" at page 6 is not in Fig. 2 of the drawing. Page 6 has been amended by changing "processor 34" to "processor 35", all occurrences. Accordingly, it is submitted that the amendment obviates the objection to the specification and, therefore, that the objection should be withdrawn.

The Office Action has objected to the drawing because reference numeral 35 in fig. 2 is not mentioned in the specification. As noted above, the specification has been amended to refer to "processor 35" in all occurrences. Therefore, it is submitted that the objection to the drawing is obviated by the amendment to the specification and should be withdrawn.

The Office Action rejects claims 1-25 under 35 U.S.C. 101 as being directed to non-statutory subject matter. This rejection is moot because claims 1, 2, 13, 14 and 25 have been canceled and claims 3-12 and 15-24 now depend from new claims 26-27.

For the reason set forth above, it is submitted that the rejection of claims 3-12 and 15-24 under 35 U.S.C. 101 is obviated by the amendment and should be withdrawn.

The Office Action rejects claims 1-25 under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 5,613,113 to Goldring, hereafter Goldring. This

rejection is moot because claims 1, 2, 13, 14 and 25 have been canceled and claims 3-12 and 15-24 now depend from new claims 26-27.

For the reason set forth above, it is submitted that the rejection of claims 3-12 and 15-24 under 35 U.S.C. 102(b) as anticipated by Goldring is obviated by the amendment and should be withdrawn.

Newly presented independent claims 25, 26 and 27 recite a method, a computer system and a memory media, respectively. These claims find support in Figs. 1, 2, 6-11, 13 and 14 and pages 5, 6 and 10-15.

These claims have been drafted upon careful review of MPEP 2106. Method claim 26 recites a method for using a computer to store and retrieve output data of an industrial process. Claim 26 recites a combination of steps of collecting and providing the output data of the industrial process to a computer and operating the computer with a program that, based on input data entered by a user defines the industrial process, transforms the time series output data to activity, event and attribute data that are stored in storage volumes of a database in a manner that permits access thereof by identified names of the activity, event or attribute. The retrieved activity, event or output data is provided to a client device. Method claim 26 clearly recites a real world application and, therefore, clearly qualifies as a statutory method under 35 U.S.C. 101 and the case law.

Computer system claim 27 recites a computer, a database, a client device, a monitor and a program that act and function as recited in method claim 26. Accordingly, computer system claim 27 clearly recites a real world application and, therefore, clearly qualifies as a statutory machine under 35 U.S.C. 101.

Memory media claim 28 recites a memory media on which is recorded a computer readable program that has the functionality as recited in method claim

26 and computer system claim 27. Accordingly, memory media claim 28 clearly qualifies as a statutory article of manufacture under 35 U.S.C. 101.

Claims 26-28 distinguish from Goldring because Goldring lacks at least the combination of the monitor that collects the output data of an industrial process and the activity, event and attribute input data entered by a user.

For the above reasons, it is submitted that new claims 26-28 are statutory and distinguishable from the cited art and are, therefore, allowable.

It is respectfully requested for the reasons set forth above that the objection to the specification be withdrawn, that the rejections under 35 U.S.C. 101 and 35 U.S.C. 102(b) be withdrawn, that claims 3-12, 15-24 and 26-28 be allowed and that this application be passed to issue.

Respectfully Submitted,

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